

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6018 of 2021

- Sanjay Kumar @ Sanju Markam, S/o Bhuvneshwar Markam, Aged About 21 Years, R/o. Village Bhainsamuda, Police Station Nagri, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Nagri, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Ms. Aditi Singhvi, Advocate.

For Non-applicant/State – Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-06-2021 in connection with Crime No.71/2021 registered at P.S. - Nagri, District Dhamtari, Chhattisgarh for the offence under Section 363, 366, 354 of the IPC r/w Section 8, 17 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 19-06-2021. The false FIR has been lodged against this applicant because of some misunderstanding. The applicant and the victim both were simply sitting and talking to each other regarding which father of the victim had objection. Therefore, it is prayed that this applicant should be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the victim in this case and victim in Crime No.72/2021 both were present when this applicant outraged modesty of the victim in this case and accused in Crime No.72/2021 raped minor victim in the other case.

Therefore, no case is made out for grant of bail.

4. Complainant Krishna Kumar is virtually present through Help Desk of DLSA Dhamtari. He has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the victim in this case had acquaintance with the applicant and accused in other case Rajkumar who is accused in Crime No.72/2021. On the date of incident they met each other and during that meeting this applicant proposed to have physical relation with the minor victim which she refused, then this applicant by making use of physical force touched her inappropriately and outraged her modesty. Hence, this case.
7. Considered on the submissions. Looking to the nature of allegation present against this applicant and also that there is likelihood of delay in conclusion of trial, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge